THE HON'BLE SRI JUSTICE C.V. RAMULU

Friday, 7th July,2006

W.P.No.5804 of 2006

Between :

B.V. Ramana Reddy … Petitioner

and

The Revenue Divisional Officer,
Kurnool, Kurnool district,
& another … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.5804 of 2006

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the Proceedings in Rc.No.B896/2005, dated 1-10-2005 issued by the 1st respondent as arbitrary and illegal and consequently to permit the petitioner to run the fair price shop at Nagampalli village, Kothapalli Mandal, Kurnool district.

At the time of admission of the Writ Petition, this Court passed an interim Order on 23-3-2006 as under:

> 'Prima facie, the impugned Order of cancellation of authorization of the petitioner in respect of Fair Price Shop, Nagampalli, H/o Kokkerencha village, Kurnool district, has been issued without notice or opportunity to the petitioner. The petitioner specifically pleads so in paragraph No.5 of the affidavit filed in support of the petition.
>
> In the circumstances, there shall be interim suspension of the Order dt.10-10-2005 of the 1st respondent. Notice."

Now, a counter affidavit is filed stating that it is not true to say that no notice of any kind was issued or enquiry was conducted before passing the impugned Order. In fact, none of those things can be read into the impugned Proceedings. The impugned Proceedings reveal that absolutely no such enquiry as contemplated under the Act was conducted before cancelling the authorization of the petitioner. Therefore, the impugned Proceedings are in gross violation of

principles of natural justice; as such, the same are liable to be set aside and accordingly set aside.

The Writ Petition is allowed. However, this will not preclude the authorities from taking appropriate action as per law, if they are so advised. No costs.

07-7-2006

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